REMARKS

This paper is responsive to a Non-final Office action dated May 1, 2007. Claims 1-24 were examined, all of which were rejected. The rejections are traversed-in-part and in-part overcome by amendment. New claims 25-31 have been added to secure an appropriate range of protection. No new matter is added.

Preliminaries

The undersigned has recently received the present matter in transfer from other counsel. Upon review of the present matter and its immediate parent application 09/540,023, now US Patent 6,826,609, it appears that similar prior art issues were raised by then Examiner Delgado and were overcome by an appropriate amendment. Although the form and content of the present rejection suggests that the present Examiner is fully aware of the prior prosecution, out of an abundance of caution and for the convenience of the present Examiner, and Applicants take this opportunity to identify US Application 09/540,023, to note that claims with somewhat similar limitations (though of differing category) were rejected therein and to note amendments filed therein that resulted in allowance of the parent. Claim in the present application have now been amended in a way that is consistent with the reasons given for allowance in the parent.

Art Rejections—35 U.S.C. § 102

Claims 1-24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent 5,627,764 to Schutzman et al. (hereinafter, "*Schutzman*"). The rejections are traversed-in-part and in-part overcome by amendment.

In rejecting claim 1, the Office attributes certain teaching to *Schutzman* that appear to be inconsistent with the actual disclosure thereof. For example, on page 3 of the present action, the Office attributes to *Schutzman* certain policy-based functionality that sends notification to recipients, that receives package data from a selected recipient and that, in response, sends package data to the selected recipient. In particular, the Office relies on col. 7, lines 15-25 of *Schutzman*. With respect, Applicants note that *Schutzman* (and particularly the relied upon passage thereof) does not really disclose the aforementioned functionality. Rather, *Schutzman*

discloses a framework in which a rule may be triggered by a "WHEN READ" event. Since such a rule clearly deals with a situation *after* delivery of a message to a recipient, and indeed, *once the recipient has actually read* the message, *Schutzman* does not disclose or suggest a situation in which delivery is conditioned of on particulars of policy data associated with the sender enterprise.

Claim 1 is allowable for at least this reason. For clarity, claim 1 has been amended to more clearly recite an association between applied policy data and the sender enterprise. Of note, Applicants amendment appears to be consistent with reasons given for allowance in the parent application. That said, the present claim 1 has somewhat different scope than previously allowed claims and, while the present amendment is consistent the reasons given by the Examiner for allowance in the parent, claim 1 is broader in at least some respects. In any case, claim 1 as presently amended, together with dependent claims 2-24 which depend therefrom, are all allowable and a notice to that effect is respectfully requested.

Claim Rejections Under 35 U.S.C. § 103

Claims 18-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Schutzman* in view of U.S. Patent No. 6,275,937 to Hailpern et al. (hereinafter, "*Hailpern*"). Since claims 18-24 each depend from allowable claim 1, they are each allowable for at least that reason.

Obviousness-Type Double Patenting Rejection

Finally, claims 1-24 stand rejected based on non-statutory, obviousness-type double patenting over claims 1-48 of the parent application, now US Patent 6,826,609 to Smith et al. Applicants supply herewith a Terminal Disclaimer, thereby obviating the double-patenting rejection.

New Claims 25-31

New claims 25-31 have been added to secure an appropriate range of protection. In particular, new independent claims seek coverage for related computer program product and system embodiments and would appear to be consistent (insofar as restriction under MPEP 821.03 is concerned) with the previously examined claims.

New Claims 34-35 are likely subject to MPEP 821.03

Recognizing the strict limitations of new patent rules scheduled to go into effect November 1, 2007 and in view of the possibility that certain additional inventions are disclosed but may remain unclaimed, additional new claims (34 and 35) are added. Each of these new claims find direct textual support in the Specification, including (without limitation) in the Summary of the application as filed. ***Applicant recognizes that restriction in accord with MPEP 821.03 of additional invention(s) (e.g., those consistent with newly presented claims 34-35) may be entirely appropriate and will not object to such a restriction and withdrawal from consideration in the present application.***

Conclusion

In summary, claims 1-35 are in the case. All claims are believed to be allowable over the art of record, and a Notice of Allowance to that effect is respectfully solicited. Nonetheless, if any issues remain that could be more efficiently handled by telephone, the Examiner is requested to call the undersigned at the number listed below.

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Respectfully submitted,

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